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VIA CM/ECF - DRAFT

Catherine O'Hagan Wolfe
Clerk of Court
United States Court of Appeals
for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litig.*,
No. 12-4671(L)

Dear Ms. Wolfe:

On behalf of the Merchant-Appellants, I write to advise the Court of Appeals of proceedings ongoing in the district court in the case.

This appeal involves, inter alia, a challenge to the district court's approval of a settlement. Defendant-Appellee MasterCard has represented that it recently learned that one of its attorneys and one of the plaintiffs' attorneys engaged in what appear to be inappropriate communications. The content of those communications has not been disclosed. The district court has established a process for the production of logs of the communications, as well as certain of the communications themselves.

This letter is for informational purposes only. We do not, at this time, believe that the Court of Appeals needs to, or should, deviate from its ordinary schedule related to this appeal. We will keep the Court apprised as circumstances warrant.

/s/Thomas C. Goldstein
Thomas C. Goldstein

Counsel for Merchant-Appellants